

REMARKS

In the October 27, 2009 Office Action, claims 1-5, 8, 11, 14, 21, and 22 stand rejected in view of prior art, and were rejected for failing to indicate and to claim particularly and distinctly the subject matter that Applicants regard as the invention. . No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the February 4, 2009 Office Action, Applicants have amended claims 1 and 3. Applicants wish to thank the Examiner for the examination of this application. Thus, claims 1-5, 8, 11, 14, 21, and 22 are pending, with claim 1 being the only independent claim. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Interview Summary

On January 27, 2010, the undersigned spoke with Examiner Ruby, who is in charge of the above-identified patent application via telephone. Examiner Ruby confirmed that the proposed amendments raise new issues. Thus, this Amendment is being filed with a Request for Continued Examination. Applicants wish to thank Examiner Ruby for the opportunity to discuss the above-identified patent application during the Interview of January 27, 2010 and for his help in advancing prosecution of this application.

Claim Rejections - 35 U.S.C. §112

In items 5 and 6 of the Office Action, claims 1-5, 8, 11, 14, 21, and 22 were rejected under 35 U.S.C. §112, second paragraph. In response, Applicants have amended claim 1 to clarify the pending claims.

Specifically, claim 1 now recites that the second air conditioning monitoring and control device includes a program having the same features as the first monitoring and control program.

Applicants believe that the claims now comply with 35 U.S.C. §112, second paragraph. Withdrawal of the rejections is respectfully requested.

Rejections - 35 U.S.C. § 102

In item 8 of the Office Action, claims 1, 2, 5, 8, 21, and 22 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,389,331 (Jensen et al.). In response, Applicants have amended independent claim 1 to define the present invention over the prior art of record.

In particular, independent claim 1 has been amended to recite a first monitoring panel that is built into or connected via a first communication line to the first air conditioning monitoring and control device to monitor the air conditioner, and a second monitoring panel that is built into or connected via a second communication line to the second air conditioning monitoring and control device to monitor the air conditioner, with the second communication line being separate from the first communication line and separately connecting to the second air conditioning monitoring and control device.

As seen on page 5 of the Office Action, the Office Action regards the operator workstations 32 and 33 of Jensen et al. as the first and second monitoring panels. However, referring to Figure 1 and column 3, lines 34-36 of Jensen et al., Applicants respectfully assert that these workstations are neither built into their respective air conditioning monitoring and control devices 12 and 13, nor are they separately connected to their respective air

conditioning monitoring and control devices by separate lines because the workstations 32 and 33 share a common network N1.

Applicants respectfully assert that the recited structure is not disclosed or suggested by Jensen et al. or any other prior art of record. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each element of the claim within the reference. Therefore, Applicants respectfully submit that claim 1, as now amended, is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicants believe that dependent claims 2, 5, 8, 21, and 22 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not anticipate the independent claim 1, neither does the prior art anticipate the dependent claims.

Applicants respectfully request withdrawal of the rejections.

Rejections - 35 U.S.C. § 103

In item 10 of the Office Action, claims 3, 4, 11, and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,389,331 (Jensen et al.) in view of U.S. Patent Application Publication No. 2004/0117069 (Yoon et al.). In response, Applicants have amended independent claims 1 as mentioned above.

Applicants believe that Jensen et al. fails to disclose or to suggest the features of claim 1 for the aforementioned reasons. Further, Applicants respectfully assert that Yoon et al. are

cited to show a second air conditioning monitoring and control device having a communication protocol conversion unit, a first monitoring panel that uses the first communication protocol that is manufacturer private protocol, and a second monitoring panel that communicates that uses a second communication protocol, and fail to disclose or to suggest the recited structure of the first and second monitoring panels as claimed.

Since neither reference discloses or suggests this feature, Applicants respectfully assert that the combination of references also fails to disclose or to suggest it. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does not make the modification obvious, unless the prior art provides an apparent reason for the desirability of the modification. Accordingly, the prior art of record lacks any apparent reason, suggestion or expectation of success for combining the patents to create the Applicants' unique arrangement.

Moreover, Applicants believe that dependent claims 3, 4, 11, and 14 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not disclose or suggest the invention as set forth in independent claim 1, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

Therefore, Applicants respectfully request that this rejection be withdrawn in view of the above comments and amendments.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-5, 8, 11, 14, 21, and 22 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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